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Dkt. 64859 CCD

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Tomio KONDOU et al.

Serial No.: 09/845,449

Group Art Unit 1756

Filed : April 30, 2001

Examiner J. Dote

For : COLOR TONERS AND IMAGE FORMING  
METHOD USING THE COLOR TONERS

**COMMUNICATION UNDER 37 C.F.R. §1.8(b)**

1185 Avenue of the Americas  
New York, N.Y. 10036  
November 1, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

This Communication, and attached copies of correspondence consisting of an Amendment and Petition for Extension of Time originally mailed to the United States Patent and Trademark Office (USPTO) on September 19, 2005, are submitted pursuant to 37 C.F.R. §1.8(b). A check in payment of the requisite extension fee of \$450 (two months, to September 21, 2005) is also submitted herewith. Applicants' undersigned attorney of record in the above-identified application became aware on October 28, 2005, that the USPTO has no evidence of receipt of this correspondence, when Examiner Dote telephoned him to inquire whether a response to the Office Action dated April 21, 2005, had been filed.

This Communication, and its attachments, are submitted in satisfaction of the requirements of §1.8(b)(1), (2) and (3), viz.:

(1) Pursuant to 37 C.F.R. §1.8(b)(1), I, the undersigned attorney of record in the above-identified application, hereby inform the USPTO that an Amendment in response to the Office Action dated April 21, 2005, was mailed to the USPTO on September 19, 2005, in accordance with 37 C.F.R. §1.8(a), together with a Petition and fee check for an extension of time under 37 C.F.R. §1.136(a), and a return card. The Amendment and Petition each included a Certificate of Mailing under 37 C.F.R. §1.8(a), signed and dated by me. On October 28, 2005, Examiner Dote advised me by telephone that she had not received any response to the aforesaid Office Action. This was the first time that I became aware that the USPTO has no evidence of receipt of the Amendment and Petition. After the Examiner's telephone call, I examined my card file of return cards and determined that the return card accompanying the Amendment and Petition had not been received back from the USPTO. I also inquired of my law firm's accounting department whether the cancelled fee check had been received back from the bank on which it was drawn, and was advised that it had not been received. In addition, I ascertained that there was no entry concerning the Amendment or Petition on the USPTO public PAIR website (Transaction Data and Image File Wrapper). Attention to other urgent USPTO matters having nonextendable filing deadlines of October 31, 2005, prevented me from taking further steps until this morning, November 1, 2005, when Examiner Dote telephoned me and was told by me that I was unable to confirm that the Amendment had been received by the USPTO. The present Communication and its attachments are being submitted pursuant to the Examiner's kind suggestion to proceed under 37 C.F.R. §1.8(b).

(2) Pursuant to 37 C.F.R. §1.8(b)(2), attached and submitted as EXHIBIT 1 hereto is an additional copy of the previously mailed correspondence, i.e., the aforesaid Amendment and Petition. This

is a photocopy of my conformed file copy of the Amendment and Petition mailed to the USPTO on September 19, 2005, and differs from the papers thus mailed to the USPTO only in that my signature, in each occurrence, is represented by "s/" and the date on each Certificate of Mailing is written as "9/19/05" on the attached copy, and that the attached copy of each of the Amendment and Petition has been newly signed by me in blue ink today, November 1, 2005. Also submitted herewith is a new fee check for the aforementioned extension fee of \$450.00.

(3) Pursuant to 37 C.F.R. §1.8(b)(3), I hereby state that I personally signed and dated the Certificates of Mailing (under 37 C.F.R. §1.8(a)) on both the Amendment and Petition which were mailed to the USPTO on September 19, 2005, as aforesaid; that in doing so, I had a reasonable basis to expect that the correspondence would be mailed on the date indicated, because, as is my invariable practice, after signing the Amendment, Petition, both Certificates of Mailing and the fee check in my office, I personally assembled them in a clip with the return card, hand-carried them to my law firm's mail room before the end of the business day on September 19, 2005, and, in the mail room, personally deposited them in the box dedicated to correspondence to be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, with knowledge that the regular practice of mail room employees of the firm, at the end of each business day, is to make a photocopy record of each item of correspondence in that box, place the correspondence in an envelope bearing the above address of the Commissioner for Patents, seal the envelope and apply thereto a sufficient amount of first-class postage, and deposit the envelope as first class mail in a facility of the United States Postal Service on the same day. Attached as EXHIBIT 2 hereto is a photocopy of the aforesaid

mail room's record photocopy of the correspondence in question and the envelope in which it was placed with metered postage affixed. It will be noted that the Certificate of Mailing on the Petition, shown in EXHIBIT 2, through inadvertent error, bears an incorrect (outdated) mailing address, having been copied from an old extension petition form; but the address on the Certificate on the Amendment itself is correct.

Respectfully,

*Christopher C. Dunham*

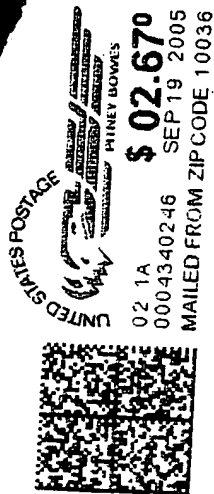
Christopher C. Dunham  
Reg. No. 22,031  
Attorney for Applicants  
Tel. (212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Christopher C. Dunham*  
Christopher C. Dunham

Reg. No. 22,031 Date Nov. 1, 2005

FROM  
**OPPER & DUNHAM LLP**  
185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036



**Commissioner for Patents**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**

COC

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Tomio KONDOU et al.

Applicant

2269 Ricoh Company, Ltd.

64859

CCD

Client

File No.

Atty.

Date

September 19, 2005

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Kindly acknowledge receipt of the accompanying

AMENDMENT due 07/21/05 w/cert. of mailing;  
PETITION for 2-months extension w/cert. of mailing  
plus fee check for \$450.

SN 09/845,449- filed April 30, 2001

COLOR TONERS AND IMAGE FORMING METHOD USING  
THE COLOR TONERS

Group Art Unit 1756 - Examiner J. Dote



P 65657

AMOUNT

\$450.00

PAY  
TO THE  
ORDER  
OF

Comm:

by placing your receiving date stamp hereon and returning to us.

New York, N.Y. 10036  
September 19, 2005Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

Pursuant to the provisions of 37 C.F.R. §1.136(a), applicants hereby petition that the period for response to the Office Action dated April 21, 2005, in the above-identified application be extended for three months. A check in payment of the extension fee of \$450, and applicants' response, are submitted herewith.

If any additional extension fee is required to prevent abandonment of the application, please charge the amount of such additional fee to Cooper & Dunham LLP, Deposit Account No. 03-3125. A duplicate copy of this sheet is enclosed.

Respectfully,

*Christopher C. Dunham*  
Christopher C. Dunham  
Reg. No. 22,031  
Attorney for Applicants  
Tel. (212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

*Christopher C. Dunham*  
Christopher C. Dunham, Reg. No. 22,031

Date SEPT. 19, 2005